

Application No. 10/661,389  
Amendment dated December 20, 2004  
Reply to Office Action of September 20, 2004

## REMARKS / ARGUMENTS

Applicants thank the Examiner for the Office Action of September 20, 2004. This Amendment is in full response thereto.

In the Office Action, the Examiner rejected claims 1-19 on the basis of statutory double patenting. Applicants have amended all the independent claims, so the rejections are now moot. They respectfully request that the rejections be withdrawn.

Applicants respectfully assert that claims 1-19 are patentable over the art of record because it fails to disclose, teach or suggest a steam generation apparatus dedicated to combustion of a fuel with an oxidant, wherein the oxygen concentration of the oxidant is higher than that of air. The apparatus includes the following elements: an oxidant preheater for exchanging heat with a flue gas; outer walls enclosing a furnace section, the outer walls having a geometry, a size and a heat transfer area to take advantage of i) a flue gas flow rate that is lower, and ii) a flue gas temperature that is higher, due to oxidant/fuel combustion, than a comparable power air/fuel combustion boiler base case; means for introducing a fuel and the oxidant into a combustion space within the furnace and combusting the fuel in the presence of the oxidant in order to generate the flue gas; the furnace having a radiant heat transfer section with a plurality of radiant heat transfer section tubes, said tubes having reduced heat transfer area compared to the base case; and a convection heat transfer section having a plurality of convection heat transfer section tubes positioned so as to afford increased heat transfer between the flue gas and boiler feed water traversing therethrough while using less heat transfer area over the base case of air/fuel combustion.

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### CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below. It is believed that no fee is due at this time. If that belief is incorrect, the Commissioner is authorized to debit Deposit Account # 01-1375. The Commissioner is also authorized to credit the same for any overpayments.

Respectfully submitted,



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### CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being transmitted via facsimile to telephone number 703-872-9306 on this 20th day of December 20, 2004.



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Registration Number 46,513